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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,780	11/16/2001	John J. Daniels	14531.71.4.3	1576

47973 7590 01/26/2005

WORKMAN NYDEGGER/MICROSOFT
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SALT LAKE CITY, UT 84111

EXAMINER

LEE, Y YOUNG

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,780

Applicant(s)

DANIELS, JOHN J.

Examiner

Y. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-8,13-15,27-30 and 37-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-8,13-15,27-30 and 37-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/4/05 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3-8, 13-15, 27-30, and 37-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Woo (5,485,219) for the same reasons as set forth in Section 3 of the previous office action, dated 3/4/03.

Woo, in Figures 1-5, discloses the same interactive television system (Fig. 1) that includes a computing system 180 and a recording device 190 that is configured to record television programs as specified in claims 3-8, 13-15, 27-30, and 37-63 of the present invention, the interactive television system is connectable by means of the computing system 180 to a server 120 that is connectable to a network, a method for enabling the server 120 to control the recording of one or more selected television

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programs by the interactive television system, comprising the acts of receiving at the server 120 a request from the computing system 180 for a programming schedule that identifies one or more television programs 100, the request being made at the computing system 180; in response to the request, the server 120 providing the programming schedule (Fig. 4) to the computing system 180; receiving at the server 120 an identification 470 provided from the computing system 180 of one or more television programs to be recorded, the one or more television programs to be recorded having been selected from a display 400 of the programming schedule at the computing system 180 of the interactive television system from the programming schedule provided from the server 120; and in response to the programs 470 identified for recording, the sever 120 downloading recording instructions 490 to the interactive television system so that the recording device 190 will thereafter be set up to record the one or more selected television programs 470, wherein the recording instructions are downloaded from the server 120 through at least one of a television signal (e.g. broadcast) and the internet.

With respect to claims 3-8, 13-15, 27-30, 38-43, 45-49, 51-57, and 59-63, Woo also discloses receiving, from the remote device 120, information representing a television signal provider (e.g. 1-n) that is to broadcast the one or more television programs to be recorded by the interactive television system, wherein the television signal provider has been selected at the remote device 120 in response to input received at the remote device 120; prior to the act of receiving information representing a television signal provider, the act of transmitting, to the remote device 120, information

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identifying a plurality of television signal providers that are capable of broadcasting television programs to the interactive television system; wherein the server 120 communicates with the remote device through an internet connection; the programming schedule includes a time 465, date 460 and duration 485 of the one or more television programs that are to be recorded; the programming schedule include transmission source information 455 that enables the interactive television system to tune to one or more signals in which the one or more television programs are encoded; and the transmission source information 455 identifies at least one of a television broadcast channel (e.g. 1-n), a cable channel, and a satellite channel through which the one or more signals is to be received by the interactive television system.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woo in view of Schein et al (6,388,714).

Although Woo discloses the request for a programming schedule, it is noted Woo differs from the present invention in that it fails to particularly disclose the use of a conventional Web browser. Schein et al however, in Figures 8-11, teaches the concept of such well known Internet web site.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Woo and Schein et al before him/her, to exploit the common TV schedule browsing technique through the use of a conventional Web browser as taught by Schein et al in the interactive television system of Woo, in order to allow the viewer to link, search, select and interact with information in a remote database.

Response to Arguments

6. Applicant's arguments with respect to claims 3-8, 13-15, 27-30, and 37-64 have been considered but are moot in view of the new ground(s) of rejection.

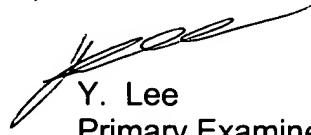
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (703) 308-7584.

The examiner can normally be reached on (703) 308-7584.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Y. Lee
Primary Examiner
Art Unit 2613

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